

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION  
AT COLUMBUS, GEORGIA**



**MINUTE SHEET OF COURT PROCEEDINGS (CONTESTED/EVIDENCE ENTERED)**

Date: 5/23/2012

Type of Hearing: Evidentiary Hearing

Judge: CLAY D. LAND

Court Reporter: Betsy Peterson

Courtroom Deputy: Pamela G. Sweeden

Interpreter: n/a

**Case Number: 3:07-CV-125- (CDL)**

Merial, et al

Counsel: Edward D. Tolley, Frank Smith, Patrick  
Elesvier; Judy Black

vs.

Velcera, et al.

Counsel: George Lombardi, Chuck Klein, Maureen  
Rurka, Michael French

**DISCLAIMER: CONTENTS OF THIS MINUTE SHEET ARE FOR ADMINISTRATIVE PURPOSES ONLY  
AND ARE NOT MEANT AS A SUBSTITUTION FOR THE OFFICIAL COURT RECORD. ATTORNEYS  
SHOULD CONTACT THE COURT REPORTER AND ORDER A TRANSCRIPT IF THERE ARE ANY  
QUESTIONS AS TO THE CONTENTS HEREIN.**

**Court time for JS10/MJSTAR: 8 hrs. 5 mins.**

- 9:10 AM Court reconvened and gave schedule for the day.
- 9:12 AM Frank Smith continued with cross-examination of Dr. Petrick. Plaintiffs tendered P-281, P-287, and P-269. Mr. Smith moved that the court admit exhibits P-276, P-279, P-281, P-288, P-296, P-269, and Intervenor's exhibits 258, 259, and 260 be admitted. No objection was made and the documents were admitted. (Some of these documents had already been admitted.)
- 10:10 AM Mr. Smith and Mr. Tolley read portions of deposition into the record. The Court stated that the entire deposition had been tendered and admitted.
- 10:24 AM Plaintiffs finished presenting their evidence. On behalf of Velcera, Mr. Lombardi moved the Court to find the proceedings in favor of Defendants and presented argument to support the motion.

10:32 AM The Court heard opposition argument from Frank Smith.

10:37 AM The Court deferred ruling on the motion.

10:38 AM Mr. Lombardi called Velcera's first witness, Dr. Petrick. Mr. Chuck Klein conducted direct examination of Dr. Petrick.

11:00 AM Break

11:40 AM Court resumed with Dr. Petrick on witness stand and Mr. Klein conducting the direct examination. Intervenor's Exhibit 284 tendered and admitted.

12:55 PM Lunch Break

2:00 PM Court reconvened. Mr. Klein continued direct examination of Dr. Petrick. Plaintiffs' Exhibit 280 tendered and admitted. Intervenor's Exhibits 65, 70, 79 and 67 were tendered and admitted.

3:01 PM Re-cross of Dr. Petrick by Frank Smith.

3:43 PM Re-direct of Dr. Petrick by Mr. Klein.

3:50 PM Break

4:10 PM Ms. Maureen Rurka for Velera conducted direct examination of Dr. Wesley Shoop. Sworn in. Mr. Elsevier reminded the Court of Plaintiffs' motion in limine. Intervenor's Exhibit 198 was tendered and admitted. Dr. Shoop was offered as an expert in specific areas. Intervenor's Exhibit 67 was tendered and admitted. Intervenor's 1, 2, 3, and 4 were tendered and admitted (Court reserving as to whether relevant).

5:50 PM Mr. Elsevier conducted cross-examination of Dr. Shoop.

6:11 PM Ms. Rurka conducted re-direct of Dr. Shoop.

6:15 PM Break

6:30 PM Mr. Lombardi advised the Court he will submit proffer tomorrow. No rebuttal.

6:35 PM Mr. Frank Smith gave closing argument on behalf of Merial Plaintiffs.

6:55 PM Mr. George Lombardi gave closing argument on behalf of Velcera.

7:21 PM Mr. Smith rebuttal.

7:25 PM Court posed question to parties, advised would issue order by June 5, 2012. Gave

parties until Tuesday, May 29, at 5:00 PM to file proposed findings of fact and conclusions of law. Parties also to submit in Word format to chambers proposed findings of fact and conclusions of law.

7:35 PM Court adjourned.